

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHRISTOPHER PAGAN, on behalf of himself and
all others similarly situated,

Plaintiff,

-against-

LUCCELLO, INC. d/b/a ITSHOT.COM,

Defendants.
-----X

24 Civ. 00104

**DECLARATION OF JON L.
NORINSBERG, ESQ. IN
SUPPORT OF THE
APPLICATION TO CLERK
FOR CERTIFICATE OF
DEFAULT PURSUANT TO
LOCAL CIVIL RULE 55.1**

JON L. NORINSBERG, ESQ., being duly sworn, hereby deposes and states under penalty of perjury, pursuant to 28 U.S.C. §1746, as follows:

1. I am the attorney of record for plaintiff, Christopher Pagan ("Christopher Pagan" or "Plaintiff") in the above referenced action. I am familiar with the facts and circumstances of the above-captioned matter, and I submit this affidavit pursuant to Local Civil Rule 55.1 and Fed. R. Civ. P. 55(a) in support of Plaintiff Christopher Pagan, for a Certificate of Default (the "Application").

2. In the annexed Application, Plaintiff Christopher Pagan, asks the Clerk to enter default against Defendant, Luccello, Inc., d/b/a Itshot.com ("Defendant").

3. Defendant is not an infant or incompetent person and is not in the military service within the purview of the Soldier's and Sailor's Civil Relief Act of 1940 as amended.

4. This action was commenced by filing of the Summons and Complaint attached hereto as **Exhibit A**.

5. On January 23, 2024, Plaintiff served Defendant, Luccello, Inc, d/b/a Itshot.com, via Meridian Investigations & Security, Process Servers. According to the Declarant, Mr. Geoffrey Burke, service was effectuated upon Defendant by "delivering two true copies of the Summons in a civil Action, Class Action Complaint, Exhibits A, B, B1, B2, C and Civil Cover Sheet pursuant to New York State Section 306 BCL together with statutory service fee in the amount of \$40.00

to Nancy Dougherty as Business Document Specialist of New York State Department of State, 99 Washington Avenue, 6th Floor, Albany, NY 12210.” Attached hereto as **Exhibit B** is the Affidavit of Service by Mr. Burke.

6. It is undisputed that Defendant receive a copy of the Complaint. This is confirmed by the fact that on February 15, 2024, Mr. Denis Stepansky, the owner of the corporate defendant, sent an email to Plaintiff’s counsel, demanding the dismissal of the pending ADA Complaint.

7. Notwithstanding Defendant’s receipt of the Complaint, Defendant has not interposed an answer, nor otherwise moved with respect to the Complaint within the time prescribed by the Federal Rules of Civil Procedure.


8. The time for Defendant Luccello, Inc., d/b/a/ Itshot.com to serve an answer or file a motion has long since expired, as Defendant was required to respond on or before February 13, 2024. (Docket No. 6).

9. Since Defendant Luccello, Inc. d/b/a/ Itshot.com has failed to answer or otherwise defend the above-captioned action, it is clearly in default.

WHEREFORE, Plaintiff Christopher Pagan respectfully request that the Clerk of this Court grant Plaintiff’s application for a Certificate of Default.

Dated: New York, New York
March 5, 2024

JON L. NORINSBERG, ESQ., PLLC



Jon L. Norinsberg, Esq.
Attorney for Plaintiff
110 East 59th Street, Suite 3200
New York, New York 10022
Telephone No.: (212) 791-5396